

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dwight A. Littles, Jr.,)	Case No.: 1:23-cv-6501-JD-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Florence County Detention Center,)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 10.) Plaintiff Dwight A. Littles, Jr. (“Plaintiff” or “Littles”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 against Florence County Detention Center (“FCDC” or “Defendant”), alleging violations of his constitutional rights. (DE 1.) Plaintiff alleges his Fifth, Eighth, and Fourteenth Amendment rights have been violated, and he has been injured as a result. (Id.) He generally alleges that the detainees at FCDC have been starved some days and have been punished for talking to one another. (Id.) He alleges the officer in “Max-Seg” would “open the flaps on the doors and mace us while confine[d] inside of the cell.” (Id.)

On December 19, 2023, the Court issued orders (1) directing Plaintiff to submit documents necessary to bring this case into proper form and (2) advising Plaintiff of the deficiencies of his

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

complaint and permitting him until January 9, 2024, to file an amended complaint. (DE 5, DE 6.) Plaintiff has filed no responses.

The Report was issued on January 16, 2024, recommending this matter be dismissed without leave for further amendment because FCDC, a facility used to primarily house detainees awaiting trial in state court, is not a person amenable to suit under § 1983 and Plaintiff's complaint fails to state a claim for which relief may be granted. (DE 12.) Plaintiff did not file an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Therefore, the Court adopts the Report (DE 12) and incorporates it here by reference.

It is, therefore, **ORDERED** that Plaintiff's case is dismissed without leave for further amendment.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
April 22, 2024

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from this date, under Rules 3 and 4 of the Federal Rules of Appellate Procedure.